

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

AHMED ZAIN,

Plaintiff,

- versus -

NEW YORK CITY DEPARTMENT OF  
HOUSING PRESERVATION AND  
DEVELOPMENT,

Defendant.

ORDER

12-CV-2955

JOHN GLEESON, United States District Judge:

On June 11, 2012, plaintiff Ahmed Zain filed this *pro se* employment discrimination action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* Zain simultaneously moved for leave to proceed *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915. I deny Zain’s IFP motion and direct Zain to remit the statutory filing fee of \$350 within 14 days of the date of this Order.

Under 28 U.S.C. § 1914, the filing fee to commence a civil action is \$350. Under 28 U.S.C. § 1915, the Court may waive the filing fee if it finds that the plaintiff is indigent. *Cuoco v. U.S. Bureau of Prisons*, 328 F. Supp. 2d 463, 467 (S.D.N.Y. 2004). Here, Zain’s IFP application states that he is currently employed at a salary of \$57,350 per year, collects rent of \$800 per month, and has \$5,000 in cash or in a checking or savings account. Pl.’s Appl. Proceed Dist. Ct. Without Prepaying Fees or Costs ¶¶ 2-4, ECF No. 2. Although Zain also has significant monthly expenditures, *see id.* ¶¶ 6-8, in light of his income and assets I cannot find that he is indigent or unable to pay the \$350 filing fee. Rather, Zain’s application establishes that he has sufficient resources to pay the filing fee.

Accordingly, the Court denies Zain's request for IFP status and directs Zain to pay the \$350 filing fee to the Clerk of Court of the Eastern District of New York within 14 days of the date of this Order in order to proceed with this action. No summons shall issue at this time and all further proceedings shall be stayed for 14 days or until Zain has complied with this Order. Upon payment of the filing fee, the Court directs the Clerk of Court to issue a summons for Zain to effect service of process on defendant pursuant to Rule 4 of the Federal Rules of Civil Procedure. If Zain fails to remit the filing fee within the time allowed, the action will be dismissed without prejudice.

So ordered.

John Gleeson, U.S.D.J.

Dated: June 19, 2012  
Brooklyn, New York